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December 15, 2010

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: Monthly Progress Report No. 43 – November 2010
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009**

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On November 9, CPG and EPA contractors held a conference call to discuss Field Sampling Plan Volume 2 (FSP2) data management issues.
- On November 12, CPG and EPA held telephone calls to discuss a possible extension to the deadline to responding to EPA's comments on the Draft Risk Analysis and Risk Characterization (RARC) Plan, Draft Lower Passaic River Study Area Approach for Developing Ecological Effect Thresholds, and the Draft Data Usability and Data Evaluation Plan.

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- On November 15, CPG and EPA held a telephone call to discuss the November 12 request for an extension, and EPA did not approve the CPG's request for an extension.
- On November 16, CPG Modeling Team and EPA contractors held a conference call to discuss the calculation of acoustic backscatter in the fall 2009 Physical Water Column Monitoring (PWCM) survey data.

Correspondence

- On November 1, CPG submitted a revised Small Forage Fish Tissue Analysis plan to EPA.
- On November 2, EPA submitted responses to the CPG's responses to EPA comments on the Caged Bivalve Pilot Study plan.
- On November 2, CPG submitted responses to EPA questions regarding MEDD valid values utilized in the FSP2 sample analysis program electronic data deliverables.
- On November 4, CPG and EPA exchanged emails regarding EPA's Sediment Transport Model (STM) calibration.
- On November 4, EPA provided comments on the draft Small Volume Chemical Water Column Monitoring (CWCM) QAPP to the CPG.
- On November 4, EPA's contractor provided the tissue sample split plan for small foraging fish tissue samples to the CPG.
- On November 5, CPG provided initial responses to EPA comments on the draft Small Volume CWCM QAPP.
- On November 5, EPA provided responses to CPG's responses to the EPA comments on the Draft RARC Plan, Draft Lower Passaic River Study Area Approach for Developing Ecological Effect Thresholds Technical Memorandum, and the Draft Data Usability and Data Evaluation Plan.
- On November 5, CPG provided clarification on details for the Caged Bivalve Pilot Study plan.
- On November 11, CPG submitted ECOM-SEDZLJS model input files to EPA.
- On November 12, CPG requested a list of calibration outputs for the STM component from EPA.
- On November 15, CPG submitted the Monthly Progress Report to EPA.
- On November 16, CPG submitted the revised Caged Bivalve Pilot Study plan to EPA.

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- On November 18, CPG provided further clarification of the rationale for proposing a data-driven versus organic carbon modeling approach for the Lower Passaic River/Newark Bay model to EPA.
- On November 19, CPG submitted responses to EPA questions regarding the Caged Bivalve Pilot Study plan.
- On November 19, EPA approved the Caged Bivalve Pilot Study plan.
- On November 24, CPG submitted the June 2010 Bathymetry Survey Report to EPA.
- On November 30, CPG responded to EPA's request to review a list of alternative dates for rescheduling the December 1 EPA-CPG modeling meeting.

Work

- CPG conducted the second PWCM wet weather sample collection event on November 4.
- CPG deployed the cages for the Caged Bivalve Study Pilot on November 22.
- CPG Modeling Team continued work on the HQI ECOM-SEDZLJS Sediment Transport Model code including calibration for high-flow conditions utilizing CPG input files.
- CPG continued reviewing the fall 2009 and spring 2010 PCWM survey data to develop correlations of acoustic backscatter and optical backscatter to SSC data.
- CPG completed the 2010 Bathymetry Survey report.
- CPG continued planning activities on the High Volume CWCM QAPP development.
- CPG continued processing of fish tissue samples for chemical analyses.
- CPG continued validation of 2009 Benthic Community Survey sediment data and 2009 Tissue Collection Survey sample data.
- CPG continued drafting the winter/spring 2010 Fish Community Survey field report.
- CPG continued drafting the 2010 Habitat Survey field report.
- CPG initiated drafting of the summer/fall 2010 Avian Survey field report.
- CPG initiated drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG initiated drafting of the spring/summer 2010 Benthic Community Survey field report.
- CPG initiated drafting of Benthic QAPP Addendum 4 – Caged Bivalve Study.

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(b) Results of Sampling and Tests

- On November 15, CPG posted LPR and Newark Bay PWCM sample data for the June and July surveys and the associated field measurements taken at the time of sampling for the July survey to the PREmis Digital Library.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue processing small foraging fish tissue samples (summer 2010 Tissue Collection Survey) for chemical analyses.
- CPG will continue chemical analysis of summer 2010 Benthic Community Survey sediment samples co-located with collection of small foraging fish samples (summer 2010 Tissue Collection Survey).
- CPG will complete validation of 2009 Benthic Community Survey sediment data and 2009 Tissue Collection Survey sample data.
- CPG will continue reviewing the fall 2009 and spring 2010 PWCM data.
- CPG will complete drafting the winter/spring 2010 Fish Community Survey field report.
- CPG will continue drafting the 2010 Habitat Survey field report.
- CPG will continue drafting of the summer/fall 2010 Avian Survey field report.
- CPG will continue drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG will continue drafting of the spring/summer 2010 Benthic Community Survey field report.
- CPG will continue drafting of Benthic QAPP Addendum 4 – Caged Bivalve Study.
- CPG will respond to EPA comments on the Small Volume CWCM QAPP.
- CPG will continue planning activities for the High Volume CWCM QAPP Addendum.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code, inputs and calibration.
- CPG will participate in LPR/NB Modeling Program progress calls with EPA and EPA contractors.
- CPG will continue reviewing and responding to EPA's comments on the risk assessment planning documents.

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(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

- It is the CPG's understanding based discussions with EPA that the calibration of the HQI STM should be completed by the EPA Modeling Team during the fourth quarter of CY 2010 or the CPG anticipates that further delay may impact the completion of the LPRSA RI/FS. The CPG Modeling Team will continue to work collaboratively with the EPA Modeling team to support this goal. The CPG is awaiting receipt of revised RCA-TOX code and inputs that the EPA modeling team said would be provided to the CPG by the end of December 2010. The EPA proposed and the CPG agreed to postpone the December 1, 2010 EPA-CPG Semiannual Modeling Meeting until February 2011.
- The CPG is in the process of resolving the EPA's November 4, 2010 comments on the draft Small Volume CWCM QAPP. Some EPA comments such as those related to the EPA's request for a 10-liter sample collection and analysis were not anticipated by the CPG and will require the CPG to identify laboratories capable of analyzing those samples. This process to address these EPA comments will likely include analytical method development, MDL studies, and laboratory audits. As a result, these additional requirements identified by EPA and the onset of winter, the implementation of the first sampling event will be delayed until the early spring of 2011. The delays associated with both the Small Volume CWCM and CSO (see below) Programs are likely to extend the completion of the RI/FS.
- The delay in EPA's approval of Tierra's CSO/SWO Workplan is anticipated to impact the completion of the LPRSA RI/FS. The extent of the schedule impact is dependant of resolution of EPA's comments on the draft CSO/SWO Workplan and when the Phase 1 work is implemented.
- In the CPG's November 19, 2010 response to EPA's November 5, 2010 risk assessment planning directive letter, the CPG agreed to revise the risk assessment planning documents consistent with EPA's comments provided on September 10, 2010 and resolution of responses to EPA's comments is required prior to the CPG's revision of the risk planning documents. The CPG anticipates that it will provide revised risk planning documents on or about February 1 and following EPA's review and approval,

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- Analysis and validation of biological samples collected in 2009 and 2010 field seasons should be completed by the end of the first quarter of CY 2011 in order to support the conduct of the Human Health Risk Assessment and Ecological Risk Assessment in CY 2011. The CPG has retained a second data validation firm to conduct the data validation to validate the fish and crab tissue data.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.


Willard F. Potter
Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel
Alice Yeh, EPA
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